

## Guidelines Application

The Oregon Sentencing Guidelines Grid<sup>5</sup> is used to determine the presumptive sentences for felony crimes according to an offender's prior criminal history and the crime seriousness ranking of the crime. Grid blocks of the grid set the range for each presumptive prison and contain minimum and maximum terms of imprisonment. Individual grid blocks for which the presumptive sentence is probation contain maximum "sanction units," which establish limits for jail sanctions resulting from probation violations.

Sentences outside of the range for the offender and crime are considered departure sentences. Departures that change the disposition of a sentence from presumptive probation to prison, or from presumptive prison to probation are referred to as "dispositional" departures. Departures that change the duration of a probation or prison sentence are referred to as "durational" departures.

### Criminal History Categories

Sentencing guideline rules separate prior criminal history according to nine categories "A" through "I". Category "A" represents an offender with three or more prior person felonies. Category "I" refers to a criminal history with no prior adult or juvenile felonies or adult class "A" misdemeanors. Categories "A" through "D" contain various prior histories of crimes against other persons. Categories "E" through "H" are used to classify offenders without prior person crimes.

### Crime Seriousness Application

Most felony crimes are assigned a crime seriousness ranking from "1" to "11". The least serious category is a "1." Examples of crimes with this ranking are Possession of a Controlled Substance, in less than substantial quantities, and Driving With a Suspended or Revoked License. All crimes ranked at "3" or below are presumptive probation sentences. Crimes of seriousness rank "1" and "2" have a presumptive probation sentence of 18 months and a jail term maximum of 30 days. All crime seriousness rankings at "9" and above prescribe presumptive prison sentences regardless of the offender's criminal history. Crime category "11" is used for murder.

Convictions for the inchoate offenses of attempt or solicitation to commit a crime are ranked two categories below the completed crime except for categories "1" and "2" which are both ranked as a "1". Aggravated Murder is unranked because the penalty of a life sentence (with or without the availability of parole) or death is determined by the jury upon conviction. Racketeering is also not ranked because the ranking depends on the underlying crime supporting the conviction.

The ranking of property crimes such as Theft I, Burglary II, Criminal Mischief and Forgery is determined by the value of the property loss. Many of the Person crimes of sex and violence have seriousness levels of "8", "9" and "10" and are subject to mandatory minimum sentences.

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<sup>5</sup> A representation of the Sentencing Grid is located in Appendix D.

## Guidelines Application

- **Criminal History.** In general, there are fewer reports for offenders with more serious the criminal histories. Felons with two or more prior person felonies (criminal history categories "A" & "B") comprised but seven percent of the total reports submitted in 1998. Eighty-one percent of the reports were for felons with no prior person felonies ("E"- "I"). Criminal history category "I" (no juvenile felonies or adult "A" misdemeanors), accounted for 27 percent of all reports. Convicted felons with two or more prior non-person felonies ("E" & "F") made up 26 percent of those sentenced in 1998.
- **Crime Seriousness.** Category "1" was the most frequently reported crime seriousness category at 32 percent of all sentencing reports submitted. The second most frequent seriousness category was "6". Seriousness categories "1" and "2" combined made up 44 percent of the most serious crimes of conviction in 1998. Crimes in the seriousness categories of "9", "10" and "11" combined made up less than four percent of the sentencing reports.
- **Drug Crimes.** Drug crimes comprised the majority of sentences under the crime seriousness categories of "1", "4", "6", and "8". Possession of a Controlled Substance accounted for 78 percent of the total number of convictions in crime seriousness category "1". Categories "8" and "6" Drug crimes consist primarily of drug Manufacture and Delivery in Commercial Quantities.
- **Crime Seriousness and Incarceration.** Offences ranked at crime seriousness category "3" (most of which are Theft and Motor Vehicle Theft) had an incarceration rate of 20 percent. Those convicted of crime seriousness category "4" offenses had an incarceration rate of seven percent.
- **Crime Seriousness and Local Facility Incarceration.** Offenses ranked at crime seriousness category "5" had the highest rate of incarceration to a local facility (sentence length of 12 months or less). Criminal history category "E" (four or more adult non-person felonies) had the highest rate of incarceration to a local facility at 19 percent.

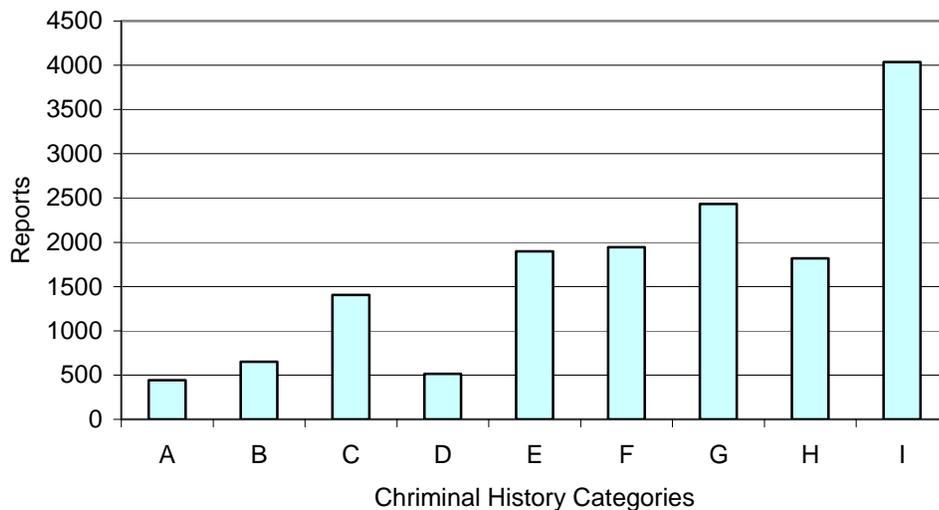
## Guidelines Application

### Criminal History Categories by Crime Type

Figure 13 shows the frequency of reports for criminal history categories “A” through “I”. Table 21 shows the distributions of criminal histories among the different types of crime. The prior criminal history of the offender varies considerably between different crime types. As an example, while 36 percent of those convicted of person crimes had no prior criminal history (category “I”), only eight percent of those sentenced for felony Driving crimes had no prior criminal history.

**Table 21. The Percentage Distribution of Criminal History Categories Among the Crime Types.**

Crime Type	Criminal History Categories								
	A	B	C	D	E	F	G	H	I
Person	6%	6%	10%	6%	5%	6%	11%	14%	36%
Property	2%	4%	9%	2%	15%	12%	14%	12%	29%
Driving	2%	4%	11%	3%	16%	16%	24%	17%	8%
Drug	3%	4%	8%	2%	13%	14%	17%	11%	28%
Other	3%	6%	12%	6%	15%	18%	20%	7%	13%
Total	3%	4%	9%	3%	13%	13%	16%	12%	27%



**Figure 13. The Frequency of Reports Among Criminal History Categories.**

*Category “I” (no prior criminal history) accounted for 27 percent of the felony sentencing reports submitted in 1998. Eighty-one percent of offenders had no prior person felonies in their criminal history (“E”-“I”) while offenders with two or more prior non-person felonies (“E” & “F”) made up 26 percent of those sentenced in 1998. Offenders with two or more prior person felonies, (“A” & “B”), comprised but seven percent of the total reports submitted in 1998.*

## Guidelines Application

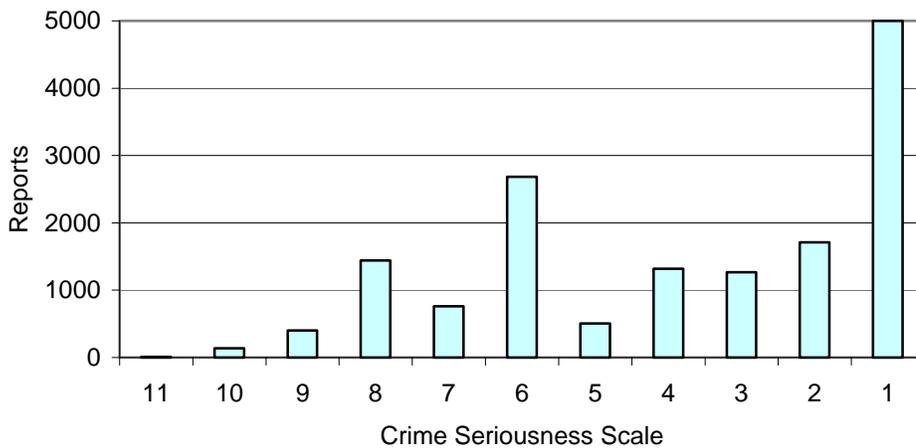
### Crime Seriousness Categories

Figure 14 shows the number of reports among the different crime seriousness categories. Table 22 includes the distribution of the crime seriousness categories as a percent of total reports received.

*The crime seriousness category of "1" was the most frequent reported category. The second most frequent seriousness category was a "6". Crime seriousness level "6" crimes include Assault III, Felony Assault IV, Felony DUII, Felon in Possession of a Firearm, Sodomy III, and Aggravated Theft I. Seriousness category "1" and "2" crimes combined made up 44 percent of the most serious crimes for these reports. Crimes ranked at "9", "10" and "11" combined made up less than four percent of the sentencing reports.*

**Table 22. Crime Seriousness Frequencies and Percent Distribution.**

Crime Seriousness	Reports	Percent of Total
11	11	0.1%
10	139	0.9%
9	404	2.7%
8	1,441	9.5%
7	760	5.0%
6	2,682	17.6%
5	505	3.3%
4	1,318	8.6%
3	1,268	8.3%
2	1,713	11.2%
1	5,000	32.8%
<b>Total</b>	<b>15,241</b>	<b>100.0%</b>



**Figure 14. The Frequencies of the Categories of the Crime Seriousness Scale.**

## Guidelines Application

### Crime Seriousness Categories by Crime

Table 23 shows the distribution of crime seriousness categories according to the most serious crime reported. Property crimes are ranked according to the monetary loss to the victim. The majority of convictions occur between crime seriousness rankings “2” and “6”. Burglary I is classified as a Person crime at crime seriousness level “9” and “8” when the offender carried a deadly weapon, threatened or caused physical injury, or entered an occupied dwelling, and is otherwise a Property crime at seriousness level “7”. Arson I is also a Person crime and is ranked at crime seriousness “10”, “9”, “8” or “7” depending on the facts of the case.

**Table 23. The Frequency of Crime Seriousness by Crime.**

Crime	Crime Seriousness Scale										Total	
	11	10	9	8	7	6	5	4	3	2		1
Arson		3	5	4	22		3	1	1	4		43
Assault		19	61	76	80	516	1					753
Burglary			69	151	407	20	32	10	59	293	1	1,042
Driving				1		71	1	1	6	179	999	1,258
Drug Delivery/Mfg				857	2	922	3	495	1	19	14	2,313
Drug Possession				32	2	108	1	20	3	20	3,901	4,087
Forgery/Fraud						2	5	21	139	275	4	446
Homicide	11	22	15	50								98
Other		1		3	2	684	3	480	25	6	58	1,262
Other Person		14	20	30	141	113	56	31	1			406
Other Property					2		1	6	50	108	2	169
Other Sex		2	1	152	47	72	2	1				277
Rape/Sodomy		77	31	73	24	110						315
Robbery		1	202	11	31	35	257	4				541
Theft/MV Theft				1		29	140	248	983	809	21	2,231
<b>Total</b>	<b>11</b>	<b>139</b>	<b>404</b>	<b>1,441</b>	<b>760</b>	<b>2,682</b>	<b>505</b>	<b>1,318</b>	<b>1,268</b>	<b>1,713</b>	<b>5,000</b>	<b>15,241</b>

*Drug crimes have a large impact in the crime seriousness categories of “1”, “4”, “6”, and “8”. Drug possession made up 78 percent of all crime seriousness category “1”. Drug Manufacture and Delivery in Commercial Quantities made up a large share of the crimes in categories “8” and “6”.*

*The category “1” Driving crimes were all Driving While Suspended and made up 20 percent of category “1” crimes. Driving While Suspended and Possession of a Controlled Substance together made up 98 percent of category “1” crimes.*

## Guidelines Application

### Sentencing Reports by Grid Block

Table 24 shows the frequency of sentencing reports by grid block. The solid black line dividing the grid blocks in Tables 25 through 29 is referred to as the “dispositional” line. All shaded grid blocks above the line represent presumptive prison sentences. All blocks below the line are presumptive probation sentences.

The most frequently reported grid block was “G1” with 967 reports followed by grid block “I1” with 887 reports. Seventy-eight percent of crime category “5” in 1998 consisted of Robbery, Theft and Motor Vehicle Theft.

**Table 24. Frequency of Sentencing Reports by Grid Block**

Crime Seriousness	Criminal History Categories									Total
	A	B	C	D	E	F	G	H	I	
11	1		1					5	4	11
10	13	11	15	9	7	1	10	16	50	132
9	25	26	53	17	24	26	46	56	115	388
8	50	60	93	65	109	127	183	169	576	1,432
7	33	42	70	32	72	69	104	105	233	760
6	85	133	239	135	246	356	437	266	775	2,672
5	34	16	49	18	68	51	60	50	158	504
4	22	49	139	50	179	164	217	141	353	1,314
3	20	59	130	27	207	144	175	149	351	1,262
2	34	67	151	43	212	208	233	227	533	1,708
1	125	187	464	119	774	799	967	633	887	4,955
Total	442	650	1,406	515	1,899	1,945	2,434	1,819	4,036	15,146

*The most frequently reported grid block was “G1” with 967 reports followed by grid block “I1” with 887 reports. Crimes in crime seriousness category “1” include Possession of a Controlled Substance and Driving While Suspended.*

### Imprisonment Rate to the State Department of Corrections

Table 25 shows dispositions to the Department of Corrections (sentences longer than 12 months) organized by grid block. Many grid blocks below the dispositional line have high prison rates. Grid block “A3”, for example, has a 65 percent DOC prison rate. Theft / Motor Vehicle Theft and Burglary comprise 82 percent of the seriousness category “3”. The Repeat Property Offender statute may account for the high DOC prison rate in that category. Table 26 shows the rates of prison sentences served in a local facility. The presumptive sentence for grid block “E6” is 10 to 12 months of prison (local), yet only 41 percent of the offenders in this grid block received a local facility prison sentence.

## Guidelines Application

**Table 25. Rate of Sentencing to the Department of Corrections by Grid Block.**

Crime Seriousness	Criminal History Categories									Total
	A	B	C	D	E	F	G	H	I	
11	100%		100%					100%	100%	100%
10	100%	100%	100%	100%	100%	100%	100%	100%	94%	92%
9	100%	100%	96%	94%	92%	85%	85%	91%	79%	88%
8	88%	88%	88%	83%	83%	67%	47%	37%	31%	51%
7	82%	81%	83%	66%	85%	30%	23%	15%	12%	38%
6	73%	73%	70%	47%	36%	11%	10%	11%	10%	25%
5	76%	69%	41%	22%	35%	24%	13%	2%	10%	24%
4	27%	18%	14%	0%	23%	7%	2%	1%	0%	7%
3	65%	46%	44%	7%	49%	25%	5%	2%	0%	20%
2	38%	21%	23%	2%	30%	12%	3%	1%	0%	9%
1	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
Total	52%	43%	36%	33%	26%	13%	10%	10%	11%	19%

*With the exception of crime seriousness level "4", the rate of imprisonment increased as the crime seriousness ranking increased. Level "4" crimes include certain specified car thefts and forgeries, drug manufacturing or delivery (in less than substantial quantities) and Failure to Appear.*

### Rates of Local Incarceration by Grid Block

**Table 26. Rate of Sentencing to a Local Facility by Grid Block.**

Crime Seriousness	Criminal History Categories									Total
	A	B	C	D	E	F	G	H	I	
11	0%		0%					0%	0%	0%
10	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
9	0%	0%	0%	0%	0%	0%	0%	0%	1%	0%
8	0%	0%	1%	2%	4%	5%	2%	4%	1%	2%
7	3%	0%	4%	3%	1%	6%	5%	2%	2%	3%
6	4%	8%	12%	10%	41%	9%	3%	2%	2%	8%
5	15%	13%	39%	44%	50%	4%	8%	4%	5%	17%
4	55%	61%	22%	8%	22%	13%	10%	3%	1%	13%
3	15%	15%	11%	11%	13%	4%	6%	2%	0%	6%
2	32%	27%	14%	7%	17%	9%	5%	0%	1%	7%
1	14%	13%	14%	7%	16%	8%	5%	3%	1%	8%
Total	12%	14%	13%	8%	19%	8%	5%	2%	1%	7%

*Crime seriousness category "5" had the highest rate of prison sentences served in a local facility. This category includes Robbery III and certain types of theft. Criminal history category "E" (four or more adult non-person felonies) had the highest rate of sentencing to a local facility at 19 percent.*

## Guidelines Application

### Rate of Probation Sentences by Grid Block

Table 27 shows the rate of probation sentences displayed by the Sentencing Guidelines grid.

Crime Seriousness	Criminal History Categories									Total
	A	B	C	D	E	F	G	H	I	
11	0%		0%					0%	0%	0%
10	0%	0%	0%	0%	0%	0%	0%	6%	8%	4%
9	0%	0%	4%	6%	8%	15%	15%	9%	20%	11%
8	12%	12%	11%	15%	14%	28%	51%	60%	67%	47%
7	15%	19%	13%	31%	14%	64%	72%	83%	86%	59%
6	24%	19%	18%	42%	23%	79%	86%	87%	88%	66%
5	9%	19%	20%	33%	15%	73%	78%	94%	85%	59%
4	18%	20%	64%	92%	55%	80%	88%	96%	99%	80%
3	20%	39%	45%	81%	38%	71%	90%	96%	99%	74%
2	29%	52%	63%	91%	52%	79%	92%	99%	99%	83%
1	86%	87%	86%	93%	84%	92%	95%	97%	99%	92%
Total	36%	42%	51%	59%	54%	79%	85%	87%	88%	74%

*Offenders in criminal history categories "G", "H", or "I" and at crime seriousness category "8" are eligible for optional probation under certain conditions (Oregon Administrative Rules 213-05-006).*

## Guidelines Application

### Average Length of Prison Sentence by Grid Block

The average lengths of all prison sentences are shown in Table 28 displayed by the Sentencing Guidelines grid. For offenders in criminal history categories "F" through "I" at crime seriousness "7" and "6", the guidelines allow a maximum prison sentence of 18 months as a departure from the presumptive probation sentence. In all but one of those groups, however, the average prison sentence was more than 18 months. For offenders in criminal history categories "G" through "I" at a crime seriousness of "5", the guidelines allow a maximum of 12 months prison as a departure from the presumptive probation sentence. In all of those groups, the average prison sentence exceeded 12 months.

**Table 28. Average Prison Sentence in Months for the Most Serious Offense by Grid Block.**

Crime Seriousness	Criminal History Categories									Total
	A	B	C	D	E	F	G	H	I	
11	300.0		300.0					280.8	300.0	291.3
10	127.8	137.6	117.9	108.9	86.9	100.0	103.0	103.0	99.6	108.6
9	91.2	73.2	77.3	68.3	69.8	65.2	63.3	65.3	61.8	68.8
8	52.5	43.0	38.8	44.8	29.1	25.3	30.3	34.1	37.6	35.8
7	45.0	37.0	25.5	22.0	20.7	24.8	27.4	25.8	36.0	28.6
6	27.3	21.2	17.6	15.6	13.8	16.2	20.6	27.4	25.8	19.1
5	18.1	16.8	16.6	12.9	10.6	18.8	19.3	20.0	24.5	16.2
4	11.7	9.3	10.3	6.5	12.3	9.6	7.5	10.4	17.4	10.6
3	14.8	13.1	13.6	11.2	13.0	13.1	9.6	14.5	8.5	13.0
2	11.7	10.1	11.1	6.8	11.5	10.2	9.5	10.7	6.0	10.8
1	5.4	5.5	5.3	5.3	5.3	5.2	5.7	5.7	4.6	5.3
Total	38.9	28.6	25.2	30.7	16.0	18.5	26.4	45.8	45.5	28.0

*An increase in the average length of prison sentence is apparent for increases in the crime seriousness scale and not so apparent for increases in prior criminal histories.*

## Guidelines Application

### Average Length of Probation Sentence by Grid Block

Table 29 shows the average length of probation sentences displayed by the Sentencing Guidelines grid.

Crime Seriousness	Criminal History Categories									Total
	A	B	C	D	E	F	G	H	I	
11										
10								240.0	60.0	96.0
9			60.0	36.0	60.0	48.0	50.0	40.8	49.0	48.8
8	96.0	42.9	44.4	55.2	39.6	40.3	40.9	38.7	40.9	41.3
7	45.6	39.8	38.7	44.4	37.2	37.9	37.4	38.5	39.0	38.7
6	42.6	35.8	37.4	35.3	35.1	35.9	35.5	36.5	36.7	36.3
5	60.0	28.0	28.8	32.0	25.3	26.9	27.8	26.9	30.3	29.1
4	30.0	27.6	25.1	24.0	26.1	25.7	25.3	24.1	25.6	25.3
3	27.0	27.7	25.4	24.3	26.2	25.1	25.4	25.7	24.8	25.3
2	18.0	21.0	20.3	18.2	21.1	19.6	19.0	19.1	19.7	19.6
1	17.6	17.4	17.8	19.2	17.6	18.0	18.0	17.9	17.7	17.8
Total	26.1	22.3	21.8	25.6	21.1	24.0	24.6	24.9	27.6	25.0

*In 1998, the average length of probation sentences increased with the crime seriousness ranking of the offense. The overall average probation sentence was 25 months.*

## Departures from Guidelines Sentencing

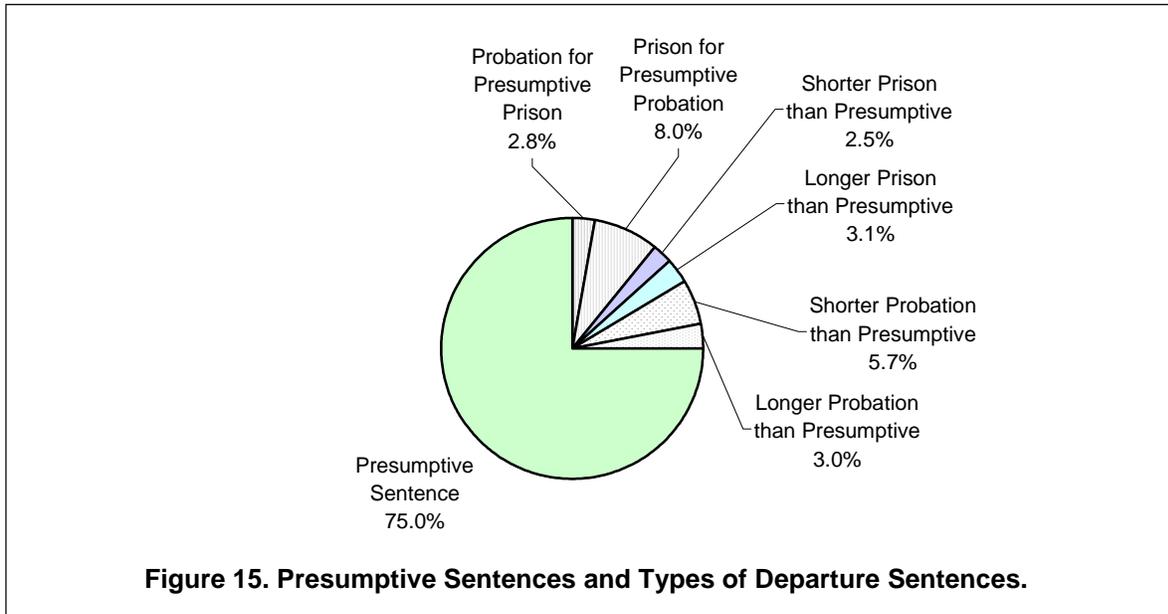
The Oregon Sentencing Guidelines Administrative Rules allows for a departure from the presumptive sentence for “substantial and compelling reasons.” Departures may be dispositional or durational. Dispositional departures are those that impose a sentence of probation where the presumptive disposition is prison or prison where the presumptive disposition is probation. Durational departures are sentences that are either longer or shorter than the presumptive sentence under the Sentencing Guidelines Rules.

- *Seventy-five percent of all felony sentences reported in 1998 fell within the presumptive grid block for both the disposition and duration of the sentence for the most serious offense. Eleven percent of the reports were for dispositional departures and 14 percent for durational departures. In terms of severity of sentence, 14 percent of the sentences in 1998 were more severe than the presumptive sentence, either in duration of sentence, or by sentences of prison terms when the presumptive sentence was probation. Eleven percent of the sentences were less severe than the presumptive sentence or a probation sentence when the presumptive sentence was prison.*
- *Departures from presumptive sentences for offenders in criminal history categories “A” through “E” occurred more frequently than for felons with criminal history categories “F” through “I”.*
- *Among the crime seriousness categories, crime seriousness “11” had the highest rate of presumptive sentencing at 91 percent and crime seriousness “5” had the lowest rate of presumptive sentencing at 62 percent of the sentences.*
- *Among the five broad crime types, the presumptive sentence was given for Driving crimes at the highest rate (81 percent) while Person crimes had the lowest rate at 67 percent.*
- *Among the fifteen more specific crime types, the presumptive sentence was given for Other Property, containing only the crime of Criminal Mischief, at the highest rate (83 percent). Homicide had the highest rate of upward (longer) durational departures at 25 percent.*

## Departures from Guidelines Sentencing

### Rate of Presumptive Sentences

Seventy-five percent of the felony sentences for 1998 were within the range of presumptive sentences for the duration of the sentence, as well as for the disposition. Twenty-five percent of the sentences were departure sentences: 11 percent were dispositional departures and 14 percent were durational<sup>6</sup>. Among dispositional and durational departures combined, 14 percent of the departures represented more serious sentences while 11 percent create less severe sentences than the presumptive sentence.



### Departure Rates by Criminal History Categories

The rate of presumptive and departure sentences by criminal history category are shown in Table 30. The data exclude 115 reports where the criminal history was not reported.

**Table 30. The Rate of Presumptive Sentences and Departure Rates by Criminal History Categories.**

Sentences	Criminal History Categories								
	A	B	C	D	E	F	G	H	I
Probation for Presumptive Prison	8.6%	8.0%	5.2%	16.3%	4.9%	2.1%	0.3%	0.3%	0.7%
Prison for Presumptive Probation	10.0%	10.0%	12.3%	3.3%	14.6%	11.3%	7.5%	4.5%	4.2%
Shorter Prison than Presumptive	10.6%	10.6%	6.5%	6.0%	2.3%	1.5%	0.9%	1.0%	0.7%
Longer Prison than Presumptive	11.3%	7.7%	5.5%	6.8%	7.6%	0.7%	0.9%	1.2%	1.4%
Shorter Probation than Presumptive	5.2%	4.8%	5.1%	1.2%	7.4%	6.9%	6.0%	5.9%	5.3%
Longer Probation than Presumptive	0.9%	1.5%	2.3%	1.4%	3.1%	3.4%	2.6%	3.3%	3.7%
Presumptive Sentence	53.4%	57.4%	63.1%	65.0%	60.1%	74.0%	81.9%	83.8%	84.1%

*Departures from presumptive sentences occurred more frequently for offenders with criminal history categories "A" through "E" than for felons with criminal history categories "F" through "I".*

<sup>6</sup> The rate of durational departures did not include extended probation terms for sexual crimes pursuant to OAR 213-05-008(C) and ORS 137.012.

## Departures from Guidelines Sentencing

Figure 16 shows the dispositional departure rates and presumptive sentences by criminal history category. Departures are more frequent for offenders in categories “A” through “E” than categories “F” Through “I”.

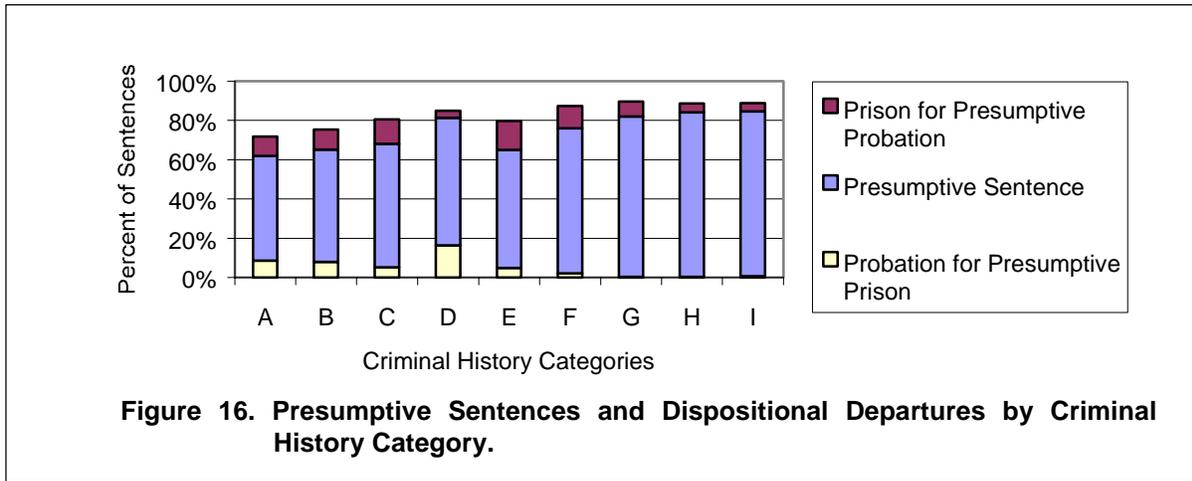
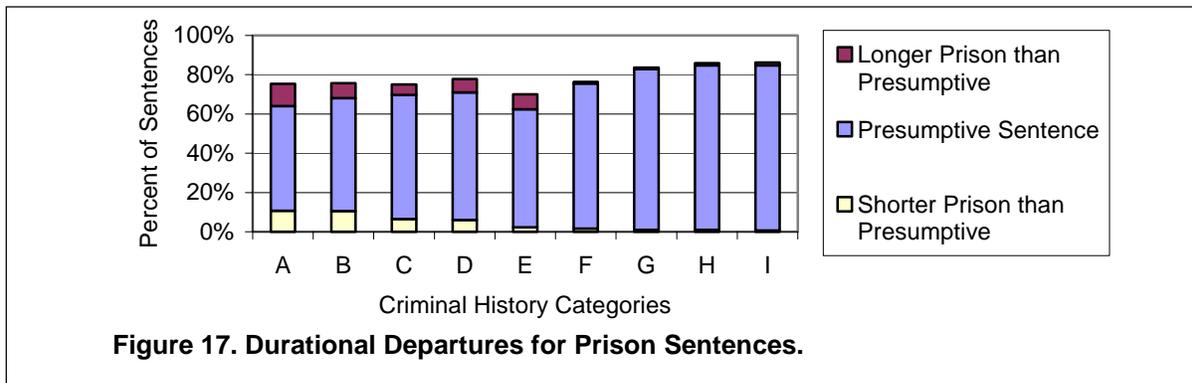
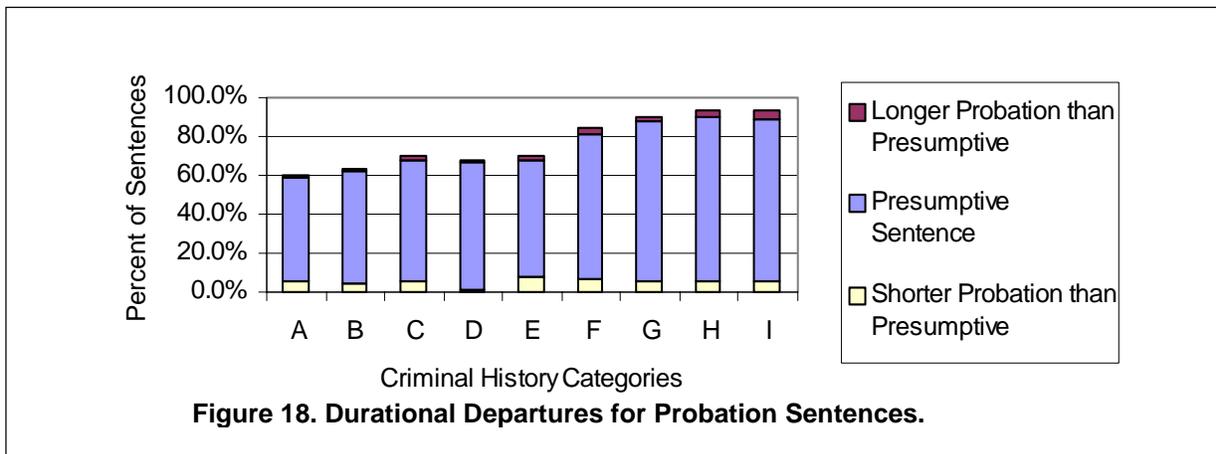


Figure 17 shows durational departures for prison sentences. Departures occur more frequently for the more serious criminal history categories.



Durational departure rates among probation sentences are shown in Figure 18. There is no apparent relationship between durational departures and criminal history category. Category “D”, however, is noticeable for it’s lack of durational departures from the presumptive probation sentence.



## Departures from Guidelines Sentencing

### Departure Rates by Crime Seriousness

Table 31 shows the rate at which presumptive and departure sentences were given for each crime seriousness category. The rate for presumptive sentences varied from 62 percent for crime seriousness category “5” to 91 percent for crime seriousness “11”. Fifty-one percent of the crimes in category “5” are Robbery III.

**Table 31. The Rate of Presumptive Sentences and Departure Rates by Crime Seriousness.**

Crime Seriousness	Probation for Prison	Prison for Probation	Shorter Prison	Longer Prison	Shorter Probation	Longer Probation	Presumptive	Total Reports
11	0.0%	0.0%	0.0%	9.1%	0.0%	0.0%	90.9%	11
10	3.6%	0.0%	12.2%	18.0%	0.0%	0.0%	66.2%	139
9	10.9%	0.0%	7.4%	9.7%	0.0%	0.0%	72.0%	404
8	5.8%	0.0%	11.6%	8.8%	0.4%	0.0%	73.4%	1,441
7	5.4%	12.6%	2.5%	7.4%	0.7%	2.9%	68.6%	760
6	7.5%	9.6%	4.8%	5.6%	3.8%	1.1%	67.5%	2,682
5	6.1%	9.3%	1.8%	10.9%	1.6%	8.5%	61.8%	505
4	1.1%	11.9%	0.7%	1.1%	4.2%	3.9%	77.1%	1,318
3	0.0%	12.9%	0.0%	0.0%	8.3%	5.6%	73.3%	1,268
2	0.0%	8.9%	0.0%	0.0%	1.2%	6.9%	83.1%	1,713
1	0.0%	7.1%	0.0%	0.0%	11.4%	2.3%	79.2%	5,000

*Among the crime seriousness categories, “11” had the highest rate of presumptive sentencing at 91 percent and category “5” had the lowest rate of presumptive sentencing at 62 percent.*

### Departure Rates by Crime Type

Person crimes had the lowest rate of presumptive sentences while Driving crimes had the highest rate of presumptive sentences.

**Table 32. The Rate of Presumptive Sentences and Departure Rates by Crime Type.**

Crime Type	Probation for Prison	Prison for Probation	Shorter Prison	Longer Prison	Shorter Probation	Longer Probation	Presumptive	Total Reports
Person	5.6%	11.3%	3.3%	10.4%	0.9%	1.4%	67.2%	2,429
Property	1.6%	9.4%	1.2%	1.6%	3.3%	6.4%	76.5%	3,866
Driving	0.4%	10.4%	0.0%	0.4%	4.5%	3.8%	80.5%	1,258
Drug	2.1%	5.4%	3.1%	1.8%	9.5%	1.4%	76.8%	6,457
Other	6.5%	8.9%	4.4%	2.9%	4.2%	2.6%	70.5%	1,252

*Driving crimes had the highest rate of presumptive sentences at 81 percent while Person crimes had the lowest at 67 percent being presumptive.*

## Departures from Guidelines Sentencing

### Departure Rates by Crime

Offenders convicted of Criminal Mischief (crime type Other Property) received the presumptive sentence at a higher rate (83 percent) than those convicted of any other crime type. The lowest rates were for offenders convicted of the crime types Robbery (65 percent) and Arson, Rape/Sodomy, or Other Person crimes (66 percent).

The highest rate of upward *dispositional* departures (prison instead of the presumptive probation) occurred for offenders convicted of Robbery and Assault (14 percent).

Among upward *durational* departures, offenders convicted of Arson received longer probation sentences than the presumptive at the highest rate (11 percent). Offenders convicted of Homicide received longer prison sentences than the presumptive at the highest rate (25 percent), followed by Rape/Sodomy (14 percent).

Downward durational *prison* sentences occurred at the highest rate for Delivery and Manufacture of a Controlled Substance (eight percent). Downward durational *probation* sentences occurred at the highest rate for Possession of a Controlled Substance (14 percent).

**Table 33. The Rate of Presumptive Sentences and Departure Rates by Crime.**

Crime Type	Probation for Prison	Prison for Probation	Shorter Prison	Longer Prison	Shorter Probation	Longer Probation	Presumptive	Total Reports
Arson	2.3%	6.8%	4.5%	9.1%	0.0%	11.4%	65.9%	44
Assault	5.0%	13.7%	3.2%	8.1%	0.9%	2.0%	67.1%	753
Burglary	5.1%	5.7%	4.1%	4.3%	1.1%	3.9%	75.7%	1,049
Driving	0.4%	10.4%	0.0%	0.4%	4.5%	3.8%	80.5%	1,258
Drug Delivery/Mfg	5.6%	3.7%	8.3%	4.6%	2.7%	1.1%	74.0%	2,313
Drug Possession	0.2%	6.3%	0.2%	0.2%	13.5%	1.6%	78.1%	4,089
Forgery/Fraud	0.2%	11.9%	0.0%	0.0%	2.5%	8.5%	76.9%	446
Homicide	0.0%	0.0%	2.0%	24.5%	0.0%	0.0%	73.5%	98
Other	6.4%	8.8%	4.4%	2.9%	4.1%	1.8%	71.6%	1,262
Other Person	7.4%	9.4%	3.7%	8.6%	2.2%	2.5%	66.3%	406
Other Property	0.0%	5.8%	0.0%	0.0%	6.4%	5.2%	82.6%	172
Other Sex	5.4%	9.4%	2.9%	8.7%	0.0%	0.0%	73.6%	277
Rape/Sodomy	5.7%	9.2%	5.1%	13.7%	0.6%	0.0%	65.7%	315
Robbery	6.3%	13.8%	2.2%	11.3%	0.7%	1.1%	64.6%	542
Theft/MV Theft	0.3%	10.9%	0.2%	0.8%	4.2%	7.4%	76.2%	2,238
Grand Total	2.8%	8.0%	2.5%	3.1%	5.7%	3.0%	75.0%	15,262

*Offenders convicted of Other Property crimes (Criminal Mischief), received the presumptive sentence at a higher rate (83 percent) than those convicted of any other crime type. Offenders convicted of Homicide received upward durational departures at a higher rate (25 percent) than those convicted of other crime.*

## Departures from Guidelines Sentencing

### Departure Rates by County

**Table 34. The Rate of Presumptive Sentences and Departure Rates by County.**

<b>County</b>	<b>Probation for Prison</b>	<b>Prison for Shorter Probation</b>	<b>Longer Prison</b>	<b>Shorter Prison</b>	<b>Longer Probation</b>	<b>Longer Probation</b>	<b>Presumptive</b>	<b>Total Reports</b>
Multnomah	3.6%	7.8%	3.8%	3.9%	10.1%	2.3%	68.4%	5,525
Lane	1.7%	9.0%	1.2%	3.2%	3.8%	4.0%	77.1%	1,365
Marion	2.1%	17.4%	2.3%	5.5%	2.1%	2.0%	68.6%	1,303
Jackson	1.7%	1.3%	2.5%	1.1%	3.0%	1.9%	88.4%	831
Douglas	5.0%	10.1%	1.5%	1.5%	9.3%	3.3%	69.3%	675
Linn	2.1%	10.8%	3.1%	2.1%	2.1%	1.0%	78.9%	621
Washington	0.2%	5.4%	1.4%	1.9%	2.9%	4.6%	83.7%	590
Deschutes	2.4%	5.9%	3.9%	2.0%	4.7%	2.6%	78.5%	507
Clackamas	0.0%	0.0%	0.8%	1.0%	2.2%	3.4%	92.6%	500
Klamath	4.4%	2.7%	0.2%	0.6%	2.5%	1.3%	88.2%	473
Josephine	2.2%	8.2%	1.7%	3.7%	1.5%	0.0%	82.8%	465
Coos	1.1%	6.3%	0.7%	1.4%	2.7%	11.6%	76.2%	441
Yamhill	3.3%	14.1%	1.8%	2.2%	4.3%	2.2%	72.1%	276
Benton	4.6%	0.8%	1.3%	2.5%	2.9%	3.8%	84.1%	239
Malheur	3.6%	10.5%	0.9%	4.1%	0.5%	12.3%	68.2%	220
Polk	2.4%	9.1%	1.9%	1.4%	1.0%	3.3%	80.9%	209
Wasco	3.5%	6.0%	1.0%	2.0%	3.5%	3.5%	80.5%	200
Lincoln	2.4%	3.2%	2.4%	3.2%	1.6%	8.0%	79.2%	125
Tillamook	2.5%	16.4%	0.8%	3.3%	1.6%	1.6%	73.8%	122
Columbia	5.3%	6.1%	2.6%	4.4%	1.8%	3.5%	76.3%	114
Crook	1.0%	10.7%	3.9%	1.9%	3.9%	1.9%	76.7%	103
Jefferson	1.0%	10.0%	2.0%	1.0%	0.0%	2.0%	84.0%	100
Hood	1.1%	0.0%	0.0%	2.2%	5.4%	2.2%	89.1%	92
Baker	6.6%	6.6%	0.0%	4.9%	1.6%	0.0%	80.3%	61
Harney	0.0%	20.7%	0.0%	3.4%	0.0%	3.4%	72.4%	29
Wallowa	0.0%	0.0%	0.0%	5.3%	5.3%	10.5%	78.9%	19
Gilliam	5.6%	0.0%	0.0%	0.0%	0.0%	22.2%	72.2%	18
Lake	0.0%	6.3%	0.0%	6.3%	0.0%	0.0%	87.5%	16
Sherman	0.0%	0.0%	0.0%	0.0%	40.0%	0.0%	60.0%	10
Grant	0.0%	11.1%	11.1%	0.0%	0.0%	0.0%	77.8%	9
Clatsop	0.0%	0.0%	0.0%	0.0%	33.3%	33.3%	33.3%	3
Union	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	100.0%	1
<b>Total</b>	<b>2.8%</b>	<b>8.0%</b>	<b>2.5%</b>	<b>3.1%</b>	<b>5.7%</b>	<b>3.0%</b>	<b>75.0%</b>	<b>15,262</b>